



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**  
WASHINGTON, D.C. 20410-3000

OFFICE OF ADMINISTRATION

August 19, 2019

Sai Sai  
DEPT MR 75093  
411A Highland Ave  
Somerville, MA 02144-2516

RE: Freedom of Information Act Request  
FOIA Control No.: 19-FI-HQ-01774

Dear Mr. Sai:

This letter is in reference to your Freedom of Information Act (FOIA) request dated August 4, 2019. Your request was received August 5, 2019. You asked for the following:

1. Components of:
  - a. Chief FOIA Officer.
  - b. Chief Privacy Officer.
  - c. Any substantially equivalent component official.
2. Entire content of:
  - a. Officer's physical desktops, i.e. everything on the actual desk(s) where they work.
  - b. Including all other office surfaces, e.g. cabinets, tables, in/out boxes, shelves, etc. in the Officer's office(s).

Please be advised the Department of Housing and Urban Development will comply with your request to the extent permissible by law. Any records not subject to an exemption will be forwarded to you promptly upon completion of the Department's search and review process. However, your correspondence isn't a proper FOIA request. Asking for the entire content of physical desktops isn't a proper request. It is well established that "agency records" are those either created or obtained by an agency and under agency control at the time a FOIA request is received. When determining agency control, four factors must be considered (a) the intent of the record's creator to retain or relinquish control over the record; (b) the ability of the agency to use and dispose of the records as it sees fit; (c) the extent to which agency personnel have read or relied upon the record; and (d) the degree to which the record has been integrated into the agency's records system or files. Since the requested content of physical desktops are not integrated into the agency's record system or files, it does not meet the requirements of being under agency control. The FOIA also does not require agencies to create records for the purpose of satisfying records requests. Accordingly, your request is being closed administratively with no further action.

Thank you for your interest in the Department's programs and policies.

Sincerely,

**Eugene McGirt**

Eugene McGirt  
Government Information Specialist